

REMARKS

Claims 1, 3, 5-8, 10, 12-15, 17-19 and 33-39 remain pending. Claims 1, 3, 6, 8, 10, 12-14, 17, 19, 34, 35 and 37-39 are currently under consideration. Entry of the amendment and reconsideration of the application is respectfully requested.

Claims 1-4, 6, 8-10, 12-14, 17, 19, 20, 22-26, 28-31, 34, 35 and 37-40 were rejected under 35 U.S.C. § 112, 2nd paragraph as being indefinite. Independent claims 1, 10, 20, 28 and 31 were amended to more succinctly claim the invention, and more particularly, to more clearly claim the interrelationship of the various elements of the nested V struts. Additionally, claims depending therefrom were amended for consistency.

Claims 1-4, 6, 9, 10, 12-14, 19, 20, 22-26, 28-31, 34, 35 and 37-40 were rejected under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over Hansen et al. (U.S. Patent No. 5,928,280). Independent claims 1, 10, 20, 28 and 31 were amended to more succinctly claim the invention. It is believed that the claims as amended are now clearly distinguishable over the cited reference. The Examiner relies on a modification of Figure 1 as is illustrated in Appendix A of the Office Action.

(a) Independent claim 1 was amended to more clearly define the first vertex (converging end of each V strut) while the second vertices are defined as the intersection of the diverging ends of nested V struts. As was pointed out by the Examiner, each cell that is illustrated in Appendix A is divided into two halves by a connecting element extending between apexes 4 and 6. Such structure is specifically precluded in claim 1 as amended to the extent that the first vertex is to be "otherwise (but for the arm segments) unattached to any other stent structure." The respective peaks are thereby free to shift longitudinally relative one another as the stent is expanded, a function that the Hansen device is not capable of. The magnitude of such shift is of course dependent upon the included angle of the strut whereby the peaks of the V struts with larger included angles shift more than peaks of V struts with smaller included angles to thereby fill in the gaps between cells of adjacent rings. In view of the fact that all peaks of the V shaped

structures shown in Hansen are joined to at least one other peak, anticipation of claim 1 and all claims depending therefrom is clearly precluded. Moreover, in view of the absence of any suggestion of a structure capable of differentiated amount of shifting between the peaks in an effort to reduce gap size, it is respectfully submitted that obviousness is similarly avoided.

(b) Independent claim 10 was amended to more clearly define the peaks of the nested V struts of each cell (convergence from common points). As was pointed out by the Examiner, each cell that is illustrated in Appendix A is divided into two halves by a connecting element extending between apexes 4 and 6. Such structure necessarily prevents any relative movement of the peaks of the nested V struts of cell during expansion of the stent. In stark contrast thereto, claim 10 as amended unequivocally calls for the peaks to be free to shift relative to one another. It is respectfully submitted that anticipation of claim 10 and all claims depending therefrom is precluded. Moreover, in view of the absence of any suggestion of a structure capable of differentiated amount of shifting between the peaks in order to reduce gap size, it is respectfully submitted that obviousness is similarly avoided.

(c) Independent claim 28 was amended

(d) Independent claim 31 was amended


Claims 8 and 17 were rejected under 35 U.S.C. § 103(a) as obvious over Hansen et al in view of Cox (U.S. Patent No. 6,171,334). In view of the non-obviousness of underlying independent claims 1 and 10 as set forth, it is respectfully submitted that all claims depending therefrom similarly avoid obviousness.

In view of the foregoing, it is respectfully urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at (310) 824-5555 to facilitate prosecution of this application, if necessary.

In light of the above amendments and remarks, applicants earnestly believe the application to be in condition for allowance and respectfully request that it be passed to issue.

Respectfully submitted,

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